

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

ADAM S. LEVY on behalf of himself and all  
others similarly situated,

Plaintiff,

vs.

THOMAS GUTIERREZ, RICHARD J.  
GAYNOR, RAJA BAL, J. MICHAL  
CONAWAY, KATHLEEN A. COTE,  
ERNEST L. GODSHALK, MATTHEW E.  
MASSENGILL, MARY PETROVICH,  
ROBERT E. SWITZ, NOEL G. WATSON,  
THOMAS WROE, JR., MORGAN STANLEY  
& CO. LLC, GOLDMAN SACHS & CO.,  
AND CANACCORD GENUITY INC.,

Defendants.

No. 1:14-cv-00443-JL

Honorable Joseph Laplante

**UNDERWRITER DEFENDANTS' ASSENTED-TO MOTION  
TO FILE REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF  
THEIR MOTION TO DISMISS IN EXCESS OF 10 PAGES**

Defendants Morgan Stanley & Co. LLC, Goldman Sachs & Co., and Canaccord Genuity Inc. (collectively, the "Underwriter Defendants"), with the assent of all other parties in the above captioned action, including Plaintiffs, hereby move for leave of the Court to file their Reply Memorandum of Law in Further Support of Their Motion to Dismiss the Consolidated Amended Complaint, ECF No. 87 (the "Complaint"), (the "Reply"), which exceeds the 10-page limit imposed by Local Rule 7.1(e)(1) by five (5) additional pages with a total length of fifteen (15) pages.

As grounds for this request to exceed the page limit, the Underwriter Defendants submit that the 100-page omnibus opposition brief filed by Plaintiffs on December 18, 2015, ECF No. 116, contains numerous factual and legal arguments in response to the Underwriter Defendants' Motion to Dismiss that the Underwriter Defendants must now address. In addition to the sixteen pages dedicated solely to the Securities Act claims against the Underwriter Defendants and the sixteen pages of introductory and factual arguments, Plaintiffs incorporate several of the legal arguments they make against the Exchange Act defendants in their arguments against the Underwriter Defendants. The Underwriter Defendants submit that a thorough discussion of the arguments raised by Plaintiffs is necessary to address the allegations against the Underwriter Defendants in the Complaint and will materially assist the Court.

In further support of this motion, the Underwriter Defendants state that they have attempted to respond concisely to the many arguments made by the Plaintiffs.

**Rule 7.1(c) Concurrence Statement**

The undersigned counsel has conferred with Plaintiffs' counsel and has obtained their assent, and the assent of all Defendants, to this motion.

WHEREFORE, Underwriter Defendants respectfully move the Court to allow this motion.

Dated: March 2, 2016

Respectfully submitted,

**BOUTIN & ALTIERI, P.L.L.C.**

**PAUL, WEISS, RIFKIND,  
WHARTON & GARRISON LLP**

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*Attorneys for Defendants Morgan Stanley &  
Co. LLC, Goldman Sachs & Co., and  
Canaccord Genuity Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that the Underwriter Defendants' Assented-To Motion to File Reply Memorandum of Law in Further Support of Their Motion to Dismiss in Excess of 10 Pages was filed through the ECF system and will be served electronically to all registered attorneys in the main case under Civil Action No. 1:14-CV-00443-JL.

Date: March 2, 2016

/s/ Edmund J. Boutin